

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ENFORCEMENT AND REMOVAL OPERATIONS
ICE HEALTH SERVICE CORPS**

WORKPLACE HARASSMENT PREVENTION AWARENESS

**IHSC Directive: 01-24
ERO Directive Number: 11768.2
Federal Enterprise Architecture Number: 306-112-002b
01 Dec 2015**

**By Order of the Acting Assistant Director
Stewart D. Smith, DHSc/s/**

1. **PURPOSE:** The purpose of this issuance is to set forth the policies and procedures for preventing workplace harassment.
2. **APPLICABILITY:** This directive applies to all IHSC personnel, including but not limited to, Public Health Service (PHS) officers and federal employees. It is applicable to IHSC-staffed facilities supporting health care operations in ICE-owned or contracted detention facilities, and to IHSC Headquarters (HQ) staff. This directive applies to contract personnel when supporting IHSC in detention facilities and IHSC HQ. Federal contractors are responsible for the management and discipline of its employees supporting IHSC.
3. **AUTHORITIES AND REFERENCES:**
 - 3-1. Memorandum issued for ICE Employees from Assistant Secretary Julie L. Myers, *Anti-Harassment Policy*, dated March 1, 2007.
 - 3-2. Department of Homeland Security; DHS Directives System, Management Directive Number: 256-01; Revision Number: 01; entitled [Anti-Harassment Directive](#). Issue Date 04/25/2013.
 - 3-3. Department of Homeland Security; DHS Directives System, Management Directive Number: 250-04; Revision Number: 00; entitled [Human Relations](#). Issue Date 05/31/2007.
 - 3-4. ICE Memorandum issued by Deputy Director Alonzo Pena, *Directing Complaints Appropriately to the Joint Intake Center (JIC), the Office of Professional Responsibility (OPR), or the Office of the Inspector General (OIG), or Local Management*, dated November 10, 2010.
 - 3-5. ICE 1033.1: *Employee Code of Conduct*.

- 3-6. Title 5, United States Code (U.S.C.) Section 2302, *Prohibited Personnel Practices*.
 - 3-7. [Title VII of the Civil Rights Act of 1964.](#)
 - 3-8. Equal Employment Opportunity Commission Management Directive 715, *Federal responsibilities under Section 717 of Title VII and Section 501 of the Rehabilitation Act* (October 1, 2003).
 - 3-9. Equal Employment Opportunity Commission, *Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors*, No. 915.002 (June 18, 1999).
 - 3-10. Commissioned Corps Issuance System (CCIS); Commissioned Corps Personnel Manual; Part 4 - Regulations; Chapter CC46 – Conditions of Service; Subchapter CC46.4 – Officer's Responsibilities and Conduct; Personnel Instruction 1 - [Disciplinary Action.](#)
4. **POLICY:** All IHSC personnel must adhere to work practices that do not create a hostile work environment and may not engage in unwelcome conduct that is so objectively offensive as to alter the condition of another person's workplace environment.
- 4-1. **Definition.** Prohibited harassment includes, but is not limited to, unwelcome conduct, whether verbal, nonverbal, or physical conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, offensive, or hostile environment on the basis of an individual's race, color, religion, sex (including pregnancy), national origin, age, disability, protected genetic information, sexual orientation, marital status, parental status, political affiliation, or any other basis protected by law. Examples of unwelcome conduct prohibited by this policy are epithets, slurs, stereotyping, intimidating acts, and the circulation or posting of written or graphic materials that show hostility toward individuals because of their protected status. Acts of physical violence, and actual, implied, or veiled threats of violence, are forms of prohibited harassment. Any form or manner of threatening or provoking remarks or threatening gestures in the workplace is prohibited. IHSC prohibits harassment even if it does not rise to the level of actionable harassment under the law. Although a single utterance or act may not rise to a level that may be actionable under the law, it still has no place at IHSC.
 - 4-2. **Requirements.** IHSC is committed to preventing and eliminating all types of work place harassment, based upon race, color, sex, sexual orientation, religion, national origin, age, disability, reprisal, marital status, political

affiliation, parental status, or genetic predisposition. Workplace harassment is unacceptable conduct and is not tolerated. (See also IHSC Directive 01-20: *Sexual Harassment Prevention Awareness* located within the following folder: [Book 1 - Organizational Administration](#)).

- a. IHSC employees who feel that they are being or have been harassed should make it clear that the behavior is offensive. They are encouraged to report the incident to their supervisor or their manager. If the IHSC employee is unable to approach or does not feel comfortable reporting an incident to his or her immediate supervisor or manager, he or she should report the incident to the Assistant Director.
- b. If contract personnel want to report an incident alleging harassment by a federal employee, he or she should report it to his or her program manager and/or other designated person pursuant to the policies/procedures set forth by his/her employer for reporting harassment. The program manager or another individual designated by the contract personnel's employer should report the incident(s) to the Contracting Officer Representative (COR).
- c. Supervisors and managers at all levels must ensure that anyone who reports allegations of harassment is protected against acts or threats of reprisal and retaliation.
- d. Allegations of harassment are investigated and resolved promptly at the lowest level possible or by formal disciplinary or administrative action and the avenues available for reporting harassment.

5. **PROCEDURES:** No additional procedures.

6. **HISTORICAL NOTES:** This directive replaces the IHSC Assistant Director's Program Letter #4: *Harassment Prevention Awareness*.

7. **DEFINITIONS:** See definition under 4-1.

8. **APPLICABLE STANDARDS:**

8-1. **Performance Based National Detention Standards (PBNDS):**
PBNDS 2011: 7.3 Staff Training; C. *Initial and Annual Training*.

8-2. **American Correctional Association (ACA):**

- a. Performance-Based Standards for Adult Local Detention Facilities, 4th edition
(1) 4-ALDF-7E-01, *Personnel Policies*.

- b. Standards for Adult Correctional Institutions, 4th edition
(1) 4-4069, *Code of Ethics*.
- c. Performance-Based Standards for Correctional Health Care in
Adult Correctional Institutions
(1) 1-HC-2A-11, *Rules and Regulations*.

8-3. National Commission on Correctional Health Care (NCCHC):
Standards for Health Services in Jails, 2014, J-B-03: *Staff Safety*.

- 9. **RECORDKEEPING.** Records generated as described in this policy may be maintained as provided in the General Personnel Records System of Records Notice, 77 Fed. Reg. 73694 (Dec. 11, 2012); Employee Performance File System of Records, 65 Fed. Reg. 24732 (April 27, 2000); and Department of Homeland Security Grievances, Appeals, and Disciplinary Action of Records System of Records Notice, 73 C.F.R. § 61882 (2008) and any other applicable DHS systems.
- 10. **NO PRIVATE RIGHT STATEMENT.** This directive is an internal policy statement of IHSC. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable against the United States; its departments, agencies, or other entities; its officers or employees; or any other person.